

AMENDMENTS TO THE DRAWINGS

Please amend the figures as shown in the enclosed replacement sheets. Figures 4 and 5 have been amended to include the label "Prior Art" in accordance with the Examiner's request.

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-4 are pending in this application. Claims 1 and 2 are independent. The remaining claims depend directly from claim 2.

Claim Amendments

Claims 1 and 2 have been amended to correct a typographical error in the claims. The Applicant respectfully asserts that no new matter has been added by the aforementioned amendments.

Drawings

Figures 4 and 5 have been amended to include the label "Prior Art" as requested by the Examiner. The appropriate replacement sheets are enclosed with this response.

Claim Objection(s)

Claims 1 and 2 have been objected to because of minor informalities. The informalities identified by the Examiner have been corrected by the aforementioned claim amendments. Accordingly, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. §102

Claims 1-4 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,441,421 ("Ponticelli"). The rejection is respectfully traversed.

In order to anticipate a claim, the prior art must teach or suggest every aspect of the claimed invention either explicitly or impliedly. Ponticelli fails to teach or suggest every aspect of the claimed invention. Specifically, Ponticelli fails to teach or suggest a rear panel having "a small cylindrical part that is formed *protrusively* to the tuner side." In particular, the claims recite a rear panel that includes a cylindrical protrusion (*i.e.*, a hollow cylindrical protrusion protruding from the rear panel) on the side of the rear panel that is to come into contact with the front of the tuner. (See Instant Specification, FIG. 1A and 1B). In contrast, the apparatus in Ponticelli that the Examiner asserts corresponds to the rear plate (*i.e.*, Ponticelli, Figure 6, element 11), does not include such cylindrical protrusion; rather, the apparatus disclosed in Ponticelli includes a cylindrical *recess*. (See, Ponticelli, Figure 6, element 14).

In addition, the Applicant notes that while the Examiner has indicated that process limitations are not given patentable weight when determining the patentability of a product made by a process (pursuant to *In re Thorpe*), the aforementioned "cylindrical protrusion" limitation must be accorded patentable weight. Specifically, the "cylindrical protrusion" limitation (*i.e.*, "a small cylindrical part that is formed *protrusively* to the tuner side") must be accorded patentable weight because the "cylindrical protrusion" limitation describes the structure of the rear panel (as opposed to process for making the rear panel). This is true even though the claim also recites a method for making the cylindrical protrusion (*i.e.*, by burring). Thus, the portion of the claim that is directed to the structure of the rear panel (*i.e.*, the cylindrical protrusion limitation) must be accorded patentable weight while the method portion may be disregarded for the purpose of examination by the USPTO.

In view of the above, Ponticelli may not be used to anticipate the invention recited in the claims.

In addition to failing to teach or suggest the “cylindrical protrusion” limitation, Ponticelli fails to teach or suggest “a tuner, in which a rear panel is attached and fixed to a front surface of the tuner” as recited in the claims. In fact, Ponticelli is silent with respect to attaching a rear panel to a tuner. The Applicant does note that the aforementioned limitation is recited in the preamble of the claims. However, the MPEP states that, “any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation.” See, e.g., *Corning Glass Works v. Sumitomo Elec U.S.A., Inc.*, 868 F.2d 1251, 1257, 9 USPQ2d 1962 (Fed. Cir. 1989). The cited case indicates that the determination of whether preamble recitations are structural limitations can be resolved only in view of the application in its entirety.

The invention, as recited in the claims, is clearly directed to attaching a rear panel to the front of a tuner. (See Instant Specification, p. 2, l. 15 – p.5, l. 5). Because the preamble provides structure for the claims, which is clearly supported by the specification, the Examiner should appropriately consider the structure recited in the preamble as a limitation of the claims. In doing so, Ponticelli must disclose a tuner that includes a rear panel attached to the front of the tuner. As discussed above, Ponticelli is silent with respect to a tuner having such structure. Thus, Ponticelli does not anticipate the invention recited in the claims.


In view of the above, independent claim 1 and 2 are patentable over Ponticelli. Dependent claims are patentable over Ponticelli for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04995/140001).

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Attachments (Drawing Replacement Sheets (2))